

TERRORISM

OCA 86-1099  
7 April 1986MEMORANDUM FOR: DDL/OCA  
SA/LEG/OCA

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FROM:

Legislation Division  
Office of Congressional AffairsSUBJECT: April 4th Meeting on "Omnibus Diplomatic  
Security & Anti-Terrorism Act"

1. On April 4, 1986, I attended a meeting chaired by Craig Coy, Office for Combatting Terrorism, Executive Office of the President on the "Omnibus Diplomatic Security and Anti-Terrorism Act". Also attending were: Jim Kelly, D/NIO/Terrorism; Cary Copeland, Attorney Advisor, Office of Legislative Affairs, Department of Justice and another individual from the Criminal Division, Department of Justice; Marc Johnson and two other individuals from the Department of State; a Mr. Grimes from the National Security Council (NSC) staff; Lynn Sachs from the NSC Staff; and John Schmitz (456-7034) from the Vice President's Task Force on Terrorism.

2. First, various preliminary matters were discussed. Indications from SFRC staff were that they did not care for the "terrorism" titles of the House-passed H.R. 4151. They were, instead, presently inclined to deal only with the "diplomatic security titles", i.e., Titles I through IV, and perhaps even return to the original Administration version of these titles. This is reflected in the fact that on April 30, 1986, the SFRC will hold a hearing advertised not as a hearing on H.R. 4151 but instead as a hearing on "embassy security". At the hearing, Ron Spires, Under Secretary for Management, and Bob Lamb, Director, Bureau of Diplomatic Security, both of the Department of State, would be testifying (and apparently will be the only Administration witnesses). It was also noted that the Committee was looking toward a May markup of legislation.

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3. It was also noted that the SFRC itself and/or other Committees and Senators might try to add to the bill various provisions including the following: S. 1429, the Spector bill

to create overseas jurisdiction for murder of United States citizens abroad ("indirect" criminalization of terrorism); S. 274, a Denton bill to require the fingerprinting of persons employed in nuclear plants; S. 270, a bill to provide a blanket FOIA exemption for counterintelligence or terrorism matters; and even S. 239, the Administration/Thurmond comprehensive death penalty bill.

4. With further regard to S. 1429, it was noted that on March 6, 1986, the House Judiciary Committee's Subcommittee on Crime reported out H.R. 4294, the Rodino terrorist bill. That bill was much broader than S. 1429 as passed by the Senate. It had several features objectionable to the Administration including a definition of "terrorist" as an element in the crime and extradition reform provisions (see attached letter from Justice to Representative Rodino, dated March 17, 1986). At the markup, Representative Gekas added a death penalty provision. This has placed the full Judiciary Committee in a quandary. All want to vote "against terrorism". Many Committee opponents of the death penalty, however, do not want to vote for a bill which includes that penalty yet neither do they want to go on record as voting for deleting it from a terrorist bill. Therefore, the belief is that the Committee would "pigeon hole" the bill. This would mean that S. 1429 would become a candidate for addition to the ultimate Senate version of H.R. 4151. It was also noted that on March 18, the Vice President sent a letter to the House Judiciary Committee endorsing S. 1429.

5. We then proceeded to review the bill section by section. I provided Agency comments, noting that in most instances no final decision had been reached but would be reached in response to the request by the Office of Management and Budget (OMB) for comments on the bill.

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